

ORDINANCE NO. 2020-02

AN URGENCY ORDINANCE OF THE TOWN OF DANVILLE SUSPENDING AUTOMATIC DEEMED COMPLETE AND APPROVAL DEADLINES FOR ALL LAND USE, SUBDIVISION, AND ZONING APPLICATIONS

The Danville Town Council does ordain as follows:

SECTION 1. FINDINGS.

In enacting this ordinance, the Town Council makes the following findings:

1. A novel (new) coronavirus (named "COVID-19") was first detected in China in December 2019. COVID-19 has now spread and on March 11, 2020 was declared a global pandemic by the World Health Organization.
2. The federal and state governments and the County of Contra Costa have all declared states of emergencies in response to the spread of COVID-19.
3. On March 17, the Danville Town Council adopted Resolution No. 21-2020 declaring a local emergency within the Town.
4. On March 15, 2020, the CDC issued guidance recommending that for the next eight weeks, organizers cancel or postpone in-person events that consist of 50 people or more throughout the United States. On March 16, 2020, the President issued more stringent guidelines, recommending that people avoid gatherings of more than 10 people.
5. On March 16, 2020, the Contra Costa County Health Officer issued an order directing individuals living in the County to shelter at their place of residence unless they are required to engage in certain essential activities, work for essential businesses, or provide essential governmental services.
6. The March 16, 2020 Order also directs all businesses and governmental agencies to cease non-essential operations at physical operations in the County; prohibits all non-essential gatherings of any number of individuals; and orders cessation of all non-essential travel.
7. Given these directives and orders, it is impossible for the Town to process land use applications within normal time limits imposed by state and local laws. Town staff is being required to work remotely, making it difficult or impossible to properly accept applications, to meet with applicants to review applications, to send out public notices and to meet with and receive comments from other impacted agencies. In addition, given the restrictions on meetings and gatherings, it will be impossible for the Town to conduct required public hearings in a manner allowing for adequate public participation and input.
8. Because of these restrictions, it is necessary to suspend automatic deemed complete and approval deadlines, including appeal deadlines, for all land use, subdivision and zoning applications until Town functions can be restored at the

conclusion of the local emergency. This is necessary for the immediate preservation of the public peace, health and safety.

SECTION 2. SUSPENSION OF ALL REVIEW DEADLINES AND AUTOMATIC APPROVALS.

A. All provisions of laws, ordinances, regulations, resolutions, rules, and statutes, including, but not limited to, provisions contained in the California Permit Streamlining Act, the California Environmental Quality Act, the California Planning and Zoning Law, the California Subdivision Map Act, and the Town of Danville Subdivision and Zoning Regulations, establishing deemed complete deadlines, review deadlines and authorizing automatic approvals, are suspended for the duration of the existing emergency.

B. Pursuant to Government Code Section 36937, this ordinance shall be effective immediately and shall apply retroactively to all applications that were on file with the Town as of the date the local emergency was first declared and to all applications filed during the emergency.

C. For application review and automatic approval deadline purposes, all land use, subdivision, and zoning applications that were either on file with the Town on the date the local emergency was first declared or that were filed with the Town during the period of the local emergency, shall be considered filed on the first working day following expiration of the emergency.

D. The term "emergency" as used in this Ordinance shall mean the local emergency declared by the Town Council on March 17, 2020.

SECTION 3. PUBLICATION AND EFFECTIVE DATE. The City Clerk shall have this ordinance published once in a newspaper of general circulation within fifteen (15) days after adoption.

This ordinance is an urgency ordinance adopted pursuant to Government Code Section 36937 and as such, shall become effective immediately if adopted by at least a four-fifths vote of the Town Council.

The foregoing Ordinance was adopted by the Danville Town Council at a regular meeting held on March 17, 2020, by the following vote:

AYES: Arnerich, Blackwell, Morgan, Storer

NOES: None

ABSTAIN:

ABSENT: stepper

DocuSigned by:



MAYOR

APPROVED AS TO FORM:

DocuSigned by:



CITY ATTORNEY

ATTEST:

DocuSigned by:



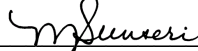
CITY CLERK

CLERK'S CERTIFICATE

I, Marie Sunseri, City Clerk of the Town of Danville, hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2020-02 of said Town and that said ordinance was published according to law.

Dated: 3/18/2020

DocuSigned by:



City Clerk of the
Town of Danville